ORIGINAL

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Numbering Resource Optimization	)	CC Docket No. 99-200
	)	

To: The Commission

COMMENTS

AIRTOUCH COMMUNICATIONS, INC.

Pamela J. Riley
David A. Gross
AirTouch Communications, Inc.
1818 N Street, N.W., Suite 800
Washington, D.C. 20036
(202) 293-3800

July 30, 1999

SUMMARY

AirTouch supports federal efforts to make usage of the NANP more efficient and extend its life. The FCC should seek to conserve numbering resources without imposing unnecessary burdens on efficient users. It should maintain strong federal oversight of numbering resources, including the area code relief process, rather than delegating too much authority to state regulators. Numbering resources are a finite *national* resource within the NANP and global numbering systems. Inefficient, wasteful numbering practices hurt consumers and carriers in *all states* by diminishing the resources available and shortening the lifespan of the NANP.

Congress granted the FCC plenary jurisdiction over numbering. State regulators may be more attentive to local political concerns than to the need for national numbering resource optimization. The FCC's Congressional mandate requires it to establish *national* numbering policies and maintain centralized oversight over the implementation of those policies. States should only be delegated authority to take actions called for by FCC policies in light of local circumstances, guided by and consistent with FCC policies and guidelines.

Rate Center Consolidation. The Commission should require states to consolidate rate centers by at least 50% as the first step in numbering resource optimization, before turning to more intrusive and complex tools, such as 1000-block pooling. Consolidation can greatly conserve numbering resources. Many states, however, have been slow to do it; indeed in some states, such as California, the number of rate centers is actually *growing,* and numbers are being used more and more inefficiently in the face of a shortage of numbers that can actually be used to serve customers.

Ten-Digit Dialing. Mandatory ten-digit dialing is another way in which states can increase efficiency, but have been reluctant to do so. The FCC should require ten-digit dialing nationwide. This will increase efficiency by eliminating the need for protecting codes and can free up the "D" digit for expansion, both of which will substantially increase the number of codes in *every* NPA. After ten-digit dialing is universally required, the introduction of overlays will become easier. Thus, universal ten-digit dialing can make a large contribution to extending the life of the NANP.

Thousands-Block Pooling. After the efficiency gains afforded by rate center consolidation and mandatory ten-digit dialing, further optimization may be needed in some areas. In such places, the FCC should authorize thousands-block pooling for LNP-capable carriers. States should not be allowed to subject non-LNP-capable carriers to pooling and should be required to ensure that adequate numbering resources are provided for non-pooling carriers.

Definitions. AirTouch supports most of the definitions proposed by the Commission, with a number of minor clarifications pertaining to the definitions for administrative numbers, aging numbers, and dealer numbering pools. AirTouch also suggests clarification of the way the *NPRM* uses the term "in service" in its discussion of code reclamation, based on the definitions used in industry guidelines.

COCUS Replacement. AirTouch urges the Commission to approve the NANC recommendation for replacement of the current data collection system known as COCUS. AirTouch supports the

hybrid model recommended by NANC and recommends that the Commission require carriers to supply the information it calls for, once it has been implemented. Until then, AirTouch urges the Commission to require all carriers to supply timely and accurate COCUS data to NANPA and to authorize NANPA to deny codes to carriers not supplying such data.

Verification of Eligibility. AirTouch supports the proposal to require an applicant for an initial code to show it is certified or licensed; for growth codes, an applicant should be required to demonstrate its need for the requested codes by submitting a months-to-exhaust worksheet, which NANPA would should evaluate before issuing codes. If a code is not justified, the application should be denied. AirTouch opposes use of a fixed utilization threshold or fill rate instead of the months-to-exhaust worksheet.

"Carrier Choice." AirTouch supports giving a carrier the option to avoid being subject to number pooling if its number usage efficiency is sufficiently high. Under this approach, a carrier's utilization rate would be used to determine whether a carrier was so efficient that it need not participate in number pooling.

Audits. AirTouch supports the Commission's proposal to establish audit procedures. All carriers should be subject to an initial comprehensive audit by NANPA. Thereafter, there should be "for cause" audits when NANPA questions an applicant's data and triennial scheduled audits of all carriers. After the initial comprehensive audit, all audits should be conducted by a neutral fourth party. With regard to procedures, AirTouch urges the Commission to await the NANC-INC efforts already underway.

Enforcement. AirTouch believes the Commission should empower NANPA to enforce the INC guidelines by denying codes to unqualified applicants, and the Commission should use its own enforcement procedures, as needed, to ensure compliance with applicable standards.

"Pricing Options." AirTouch opposes any move by the Commission to require carriers to pay for the numbering resources they request or receive. This proposal is of questionable legality and will clearly have adverse effects on number resource availability. The swift and inevitable result of selling numbering resources will be speculation, warehousing, and hoarding, and codes could be used for anticompetitive purposes.

Service- and Technology-Specific Area Codes. AirTouch opposes the use of service- and technology-specific area codes for the reasons long stated by the Commission. Such codes do not further the federal policy objectives of the NANP, they hinder entry, and they provide particular industry segments and consumers an unfair advantage. Nothing has changed to justify reaching a different conclusion.

TABLE OF CONTENTS

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Numbering Resource Optimization	)	CC Docket No. 99-200
	)	

To: The Commission

COMMENTS

AirTouch Communications, Inc. ("AirTouch") hereby submits comments in response to the Commission's *Notice of Proposed Rulemaking*[1] concerning a variety of means for conserving and optimizing numbering resources in the North American Numbering Plan ("NANP").

INTRODUCTION

As an efficient user of numbering resources in its paging and cellular operations, AirTouch supports reasoned, targeted federal efforts to make usage of the NANP numbering resource more efficient. The Commission should concentrate its efforts on optimization techniques that will eliminate or avoid wasteful numbering usage *without* imposing costly and unnecessary burdens on efficient users of numbers.

There are two reasons for the diminishing availability of numbering resources: (1) numbers needed for growth in service, and (2) numbers made unavailable for serving real customers due to allocation inefficiencies. The Commission should employ techniques that will free up the numbering resources that are artificially made unavailable and at the same time facilitate, not impede, making

---

[1] *Numbering Resource Optimization,* CC Docket 99-200, *Notice of Proposed Rulemaking,* FCC 99-122 (June 2, 1999) (*NPRM*).

numbers available to serve real customers. Steps such as rate center consolidation and mandatory ten-digit dialing can dramatically free up number resources that are currently unavailable due to artificial inefficiencies, without imposing disproportionate costs on efficient users.

The telecommunications industry, through the Industry Numbering Committee ("INC"), has made great progress in establishing guidelines for the use and administration of numbering resources. AirTouch and other wireless carriers participate actively in INC efforts. State regulators are integrated into this process, too: Three NARUC representatives hold seats on the North American Numbering Committee ("NANC"), and INC works closely with state regulators as well. The Commission should enhance the effectiveness of these industry-based efforts by ensuring that the industry's voluntarily developed numbering guidelines are followed. To ensure that numbering resources are made available only to carriers that have legitimate needs in compliance with the guidelines, the Commission should empower the North American Numbering Plan Administrator ("NANPA") to enforce the INC guidelines, and it should make clear that the FCC's own enforcement procedures will be invoked when necessary.

The Commission needs to stay the course and maintain strong federal oversight over the area code relief process, rather than increase the delegations of authority to state regulators. Area codes and the NXX codes within them are finite, shared, *national* resources. Inefficient use of these resources in one state depletes the numbering resources (*i.e.* NPAs) available for growth everywhere else. Thus, the Commission needs to safeguard the exclusive jurisdiction over the NANP that Congress conferred on it, and should exercise that jurisdiction to ensure that states take steps to improve number usage efficiency as well as address the difficult decisions posed by area code relief. At the same time, it should encourage all states to follow the lead of the states that have taken

significant steps in the direction of number conservation by, for example, consolidating rate centers instead of allowing them to proliferate.

DISCUSSION

I. THE MOST EFFICIENT SEQUENCE OF NUMBER OPTIMIZATION TECHNIQUES IS A NATIONWIDE APPLICATION OF RATE CENTER CONSOLIDATION AND TEN-DIGIT DIALING, FOLLOWED BY THOUSANDS-BLOCK POOLING FOR LNP-CAPABLE CARRIERS

A. There Should Be National Number Conservation and Optimization Standards, Implemented at the State Level

The Commission has plenary jurisdiction over numbering issues pursuant to Section 251(e)(1) of the Communications Act.[2] While the particular facts concerning number conservation will vary from place to place, the states cannot be left to pursue widely divergent approaches.[3] A nationwide solution is needed to a national problem, because an inefficient approach to numbering issues depletes the total pool of numbering resources available within the North American Numbering Plan.

Placing primary reliance on state regulators to make critical numbering policy decisions would be a serious mistake. Local resistance to numbering and dialing changes will disproportionately affect state decisionmaking. State regulators' attentiveness to local political concerns can, as a result, lead to paralysis when it comes to numbering policy and implementation. Such delays in addressing numbering issues squarely will make it more difficult to establish a sound and efficient numbering policy and will inevitably shorten the lifespan of the current NANP.

---

[2] 47 U.S.C. § 251(e)(1). Indeed, the Commission first asserted plenary jurisdiction over the U.S. administration of the North American Numbering Plan in 1986, ten years before Section 251 became law, in response to numbering issues raised by the wireless industry. *See FCC Policy Statement on Interconnection of Cellular Systems,* 59 Rad. Reg. 2d (P&F) 1275, 1284 (1986).

[3] *Pennsylvania Public Utility Commission,* NSD File No. L-97-42; CC Docket 96-98, *Memorandum Opinion and Order and Order on Reconsideration,* 13 Comm. Reg. (P&F) 867, at ¶ 21 (1998) (*Pennsylvania Order*).

The need for a national approach to number conservation and optimization has become particularly urgent in light of the fact that many telecommunications carriers have networks of systems spanning the nation. Increasingly, these systems are operated in an integrated, unitary fashion. This is clearly the case in the wireless industry, where numerous companies have operations spanning the nation that are run as a unit, instead of as distinct market-by-market operations. It is also increasingly true in other telecommunications sectors, particularly the competitive LEC ("CLEC") area, where the national interexchange carriers ("IXCs") have been active, and even with respect to incumbent LECs ("ILECs").

The Commission has a responsibility to establish meaningful policies at the federal level, so that states are not left to solve the number exhaust problem without federal guidance. A national framework is needed, with states being delegated authority to implement the details of this national plan in accordance with federal standards and guidelines, in light of local circumstances.

B. Rate Center Consolidation

Rate center consolidation offers the most "bang for the buck" as an approach to number conservation that will greatly assist over the long term. AirTouch urges the Commission to require states to engage in consolidation of rate centers by at least 50% as the first step in numbering resource optimization.

A major factor driving NXX code usage is that wireline carriers seek to obtain NXXs in each rate center where they provide (or intend to provide) wireline local exchange service. This inefficient use of numbers is particularly acute when there are large numbers of rate centers. For example, the number of rate centers in California has *increased* in recent years, rather than decreased, and now stands at about 800 statewide. Out of the 206 million numbers in all of those

rate centers, the California PUC estimates, only about 35 or 40 million numbers are actually used.[4] In other words, due to low CLEC fill rates, the *average* NXX code in California is more than 80% unused, but there is a shortage of *available* numbers. The majority of new NXX code allotments in 1998 went to CLECs, even though their utilization level is low.[5]

Because of the large number of rate centers, a CLEC wishing to offer statewide service, with numbers from every rate center, would cause 8,000,000 numbers to become unavailable, regardless of how few customers it may actually serve. California, for example, has been resistant to rate center consolidation, even though it has an enormous number of rate centers that has led to highly inefficient NXX code usage. For example, in the central Los Angeles area code, NPA 213, there are three rate centers, even though the entire NPA is only four square miles. Thus, a carrier would be allotted 3 NXX codes (30,000 numbers) to serve that four-square-mile area — before signing up a single customer.

The demand for multiple NXX codes can be decreased, and the relative utilization of NXX codes can be increased, through rate center consolidation. By reducing the number of rate centers, the total demand for NXX codes will be reduced — carriers who need a presence in every rate center will be able to accomplish that objective with a smaller number of NXX codes. The Colorado PUC summed this point up as follows:

---

[4] Petition of the California Public Utilities Commission and the People of the State of California for Delegation of Additional Authority (filed April 23, 1999), at 13; *see* Public Notice, *Common Carrier Bureau Seeks Comment on a Petition of the California Public Utilities Commission and the People of the State of California for Delegation of Additional Authority Pertaining to Area Code Relief and to NXX Code Conservation Measures,* NSD File No. L-98-136, DA 99-928 (CCB, May 14, 1999).

[5] *See* Pacific Bell's Emergency Petition to Modify Decision 96-12-086, *Order Instituting Rulemaking on the Commission's Own Motion into Competition for Local Exchange Service,* R.95-04-043 (Cal. PUC, filed Oct. 15, 1988), at 20-21 (CLECs received more than 60 percent of NXX codes statewide in 1998 and are estimated to have less than a 25 percent utilization rate).

> If the rate centers . . . are consolidated into fewer rate centers, then facilities-based providers of local exchange service will need fewer NXX codes in order to provide local exchange service throughout the territory at issue. Such a result will reduce the demand for NXX codes, improve number utilization, and prolong the life of the area code(s) . . . .[6]

In some cases, rate center consolidation permits the number of codes needed to be reduced dramatically. In Texas, 108 rate centers were consolidated into 31, including the consolidation of 29 San Antonio rate centers down to just one.[7] In Colorado, 43 rate centers were reduced to 16.[8] These illustrate that rate center consolidations can reduce the number of rate centers substantially. In states such as California, this process could free up large quantities of numbering resources currently rendered unavailable by the rate center structure, despite a low statewide utilization rate. Rate center consolidation not only reduces carriers' need for multiple NXX codes, but also increases the efficiency of code utilization and thereby keeps unused NXX codes available for future use.[9]

Importantly, rate center consolidation for purposes of number conservation can be accomplished in a revenue-neutral manner by careful planning of a particular consolidation, based

---

[6] *See Rate Center Consolidation With the 303 Area Code,* Docket No. 97M-548T, *Decision and Order,* Decision No. C98-439, at 6 (Colorado PUC April 29, 1998) (*Colorado PUC Decision*) ("It is necessary for each facilities-based service provider to be assigned an NXX code for each rate center in which it provides service.").

[7] Number Resource Optimization Working Group, *Modified Report to the North American Numbering Council on Number Optimization Methods Dated October 21, 1998* ("NANC Report"), § 1.3 at 19 n.3, 20, *available from* <http://www.fcc.gov/ccb/nanc/>.

[8] *See Colorado PUC Decision* at 5-6, 8.

[9] For example, a new CLEC seeking to serve Colorado's 303 NPA would need 16 codes after the recent consolidation, instead of 48. Its customers would thus be accommodated in about one-third the number of NXX codes, and its efficiency, as measured by utilization percentage, would thus be three times higher, while freeing up 32 codes for future growth in the NPA. Its most heavily occupied NXX codes would reach high utilization levels more rapidly, and additional codes would be assigned only where needed. Likewise, ILECs' and established CLECs' need for additional codes would be diminished, because they would be able to use their existing assigned NXX codes to accommodate growth more efficiently. In short, rate center consolidation can result in very substantial gains in code utilization efficiency.

on local circumstances.[10] The Colorado decision was sensitive to the need to limit the expansion of local calling areas in order to keep the rate center consolidation relatively revenue-neutral.[11] Similarly, the Texas consolidation cited above involved no changes in local calling scopes.[12]

Consolidation of rate centers will thus better meet the needs of today's marketplace than maintaining a historical patchwork of tiny rate centers. Today's consumer needs service over a wider area than before. Wireless carriers already reflect the reality of the consumer's broader geographic focus by providing ever wider-area "local" calling. Rate center consolidation for wireline carriers will thus emulate the wireless industry's model, which responds to market forces, and will stimulate greater convergence between wireless and wireline service.

This will also ultimately benefit CLECs, in particular. As new entrants, CLECs seek to serve today's metropolitan or larger communities, not the narrowly defined geographic rate areas that reflect the past reality. Nevertheless, CLECs seek to emulate the layout of the ILECs' wireline telephone network, in part, by occupying an NXX code in each rate center in order to establish a "local presence," notwithstanding that the CLEC in fact is trying to provide service only to customers in a particular metropolitan area or discrete region within a state.

One point related to rate center consolidation concerns rate centers split between two or more NPAs. Efforts are currently underway to avoid such split rate centers. Splitting rate centers between

---

[10] The revenue effects of consolidation result from (a) the potential elimination of tolls among the consolidated rate centers and (b) the expansion of free calling to and from adjoining rate centers. These effects can be minimized. The effect on intra-rate-center toll revenue is limited to cases where the rate centers being consolidated are not already within a local calling area and thus significant toll traffic within the consolidated rate centers will be eliminated. Accordingly, the revenue impact due to expansion of local calling to and from adjacent rate centers (and thus elimination of toll revenue) may be limited by principally targeting rate centers within a local calling area for consolidation, or by consolidating into groups of new rate centers, instead of a single new rate center. *See Colorado PUC Decision* at 7-8.

[11] *See Colorado PUC Decision* at 7-8.

[12] *See* NANC Report § 1.3 at 19 n.3.

two or more NPAs can lead to inefficient number usage as some carriers might serve the rate center from three switches, thus seeking to draw codes from all three NPAs, while others might serve the rate center from a single switch, thus drawing a single code at a time, in accordance with the CO Code Guidelines. The INC NPA Workshop has recommended that geographic NPA boundaries must follow rate center boundaries to avoid such problems. AirTouch urges the Commission to support such efforts and to make clear that in the event a carrier requests codes in a rate center that is split among NPAs, it must request codes in a unitary manner to avoid inefficient number usage.

The Commission should promote rate center consolidation as the highest priority method of number conservation — and require that states consolidate rate centers by at least 50% before moving to more intrusive and complex methods of number conservation, such as pooling. Indeed, in many instances, consolidation of rate centers may reduce or eliminate the need for wireline number pooling. The Commission should thus confirm that states already have authority to initiate rate center consolidation and encourage state commissions to exercise such authority expeditiously as a first conservation measure.

C. Mandatory Ten-Digit Dialing Nationwide

AirTouch submits that the Commission should "bite the bullet" and require ten-digit dialing nationwide. Indeed, the INC has "recommended that . . . 10-digit Local and Toll . . . [dialing] be the long term goal recognizing that this recommendation is subject to regulatory approval, and resolution of the continued need for '1+' as a toll indicator."[13] The time is rapidly approaching when it will

---

[13] Alliance for Telecommunications Industry Solutions, Industry Numbering Committee, *Uniform Dialing Plan,* INC 97-0131-017, at § 6.0 (July 1998) ("INC Uniform Dialing Plan"), *available from* <http://www.atis.org/atis/cls/inc/>. The INC recommendation notes that a full ten-digit dialing plan would ultimately permit elimination of the '1+' toll indicator, as has been done in some states.

become necessary in many areas: Ten-digit dialing is already mandatory when overlays are used.[14] Overlays are already implemented or pending in some 13 states, covering about 25 NPAs, and will inevitably be needed in more and more places. Thus, ten-digit dialing will become increasingly common. It will become essential, as a practical matter, even where overlays are not used, as metropolitan areas are split into an increasing number of NPAs. In such areas, the public must become accustomed to dialing ten digits for numbers that, while local, are in an adjoining NPA, and a move to mandatory ten-digit dialing will eliminate confusion about whether to dial seven or ten digits — indeed, INC has noted that a uniform 10-digit dialing plan will "reduce[] customer confusion particularly in today's mobile society."[15]

Moreover, even where ten-digit dialing is not currently required, due to the absence of overlays, it can provide the benefit of enlarging the pool of available numbers. This will occur in two ways: First, ten-digit dialing will eliminate the need for protected NXX codes, thereby significantly increasing the number of NXX codes that can be assigned in an area.[16] Second, universal ten-digit dialing will permit expanded use of the so-called "D digit" — the first digit of the NXX code — which cannot contain a 0 or 1 when seven-digit dialing is permitted, in order to permit 0+ and 1+ dialing prefixes. D digit expansion alone would increase the number of permissible codes in each NPA by 25%.

Mandatory ten-digit dialing should become the norm nationwide, given the increasingly widespread shortage of numbering resources. It will increase the resources available by a

---

[14] *See* 47 C.F.R. § 52.19(c)(3)(ii); *Public Utility Commission of Texas Petition for Expedited Waiver of 47 C.F.R. Section 52.19(c)(3)(ii) for Area Code Relief,* DA 98-2141(CCB Oct. 23, 1998).

[15] INC Uniform Dialing Plan at § 6.0.

[16] The number of protected codes can be significant — the NANC report indicates that in one market, the number of available NXX codes would be *doubled* upon implementation of 10-digit dialing. *See* NANC Report § 10.5.3.1 at 153 n.34.

considerable margin and thereby extend the lifetime of the current 10-digit NANP. Moreover, universally mandatory ten-digit dialing will lessen resistance to the use of overlays. Public concern about dialing pattern and area code changes has made state regulators reluctant to order the introduction of overlays. Indeed, in California, the state commission has indefinitely suspended the planned implementation of an overlay code despite impending number exhaust.[17] Thus, federally required introduction of ten-digit dialing will effectively increase the options available to states in dealing with area code relief, because state regulators will no longer have an incentive to reach decisions preserving seven-digit dialing in response to local preferences.

D. Thousands-Block Pooling for LNP-Capable Carriers

Once less intrusive number conservation techniques have been employed, thousands-block pooling may be necessary in some areas for LNP-capable carriers. Because of the cost and complexity of pooling, it should only be ordered *after* serious rate center consolidation efforts have been undertaken, mandatory ten-digit dialing has been implemented, carrier code usage has been audited, and unneeded codes have been reclaimed.

Number pooling will only involve certain carriers, but provision must be made for all carriers to continue having access to needed numbering resources. Only LRN/LNP-capable carriers are able to participate in number pooling.[18] Thus, states should be permitted to require pooling only for carriers that are subject to the Commission's LNP capability requirement. Certain wireless carriers will be subject to this requirement in November 2002, and will be capable of participating in pooling

---

[17] *Order Instituting Rulemaking on the Commission's Own Motion into Competition for Local Exchange Service,* Decision No. 99-06-091 (Cal. PUC, June 24, 1999) (*CPUC Overlay Suspension Order*), *petition for rehearing pending.*

[18] The FCC has established which carriers are required to have LNP capability. For example, paging carriers are exempt, and certain other CMRS carriers will be required to be LNP-capable as of November 24, 2002. *See CTIA Petition for Forbearance,* 15 Comm. Reg. (P&F) 82 (1999).

at that time. The Commission should make clear that states that decide to order pooling *must* ensure that NXX codes continue to be made available to non-LNP-capable carriers.

AirTouch opposes any mandate that carriers participate in other forms of pooling, such as UNP and ITN. These techniques have not been thoroughly analyzed and researched in terms of feasibility and cost. At a minimum, they appear to cost more and take longer to implement.[19]

Number pooling should be implemented, if at all, only in the most cost-efficient and least disruptive manner, and only to accomplish the objective of number conservation. In particular, pooling should only be ordered where it will be needed and useful, in terms of number conservation and NPA preservation, for an extended period of time, given the cost and complexity involved. Where pooling will in fact lead to efficient use of the number resource, it serves the public interest.

II. STATES SHOULD BE ENCOURAGED TO PLAY A MORE ACTIVE ROLE, SUBJECT TO THE OVERALL NEED FOR NATIONAL NUMBERING MANAGEMENT

The Commission has, in the past, made clear that there is an appropriate role to be played by states in dealing with numbering issues. It has, at the same time, emphasized that the role of states is constrained by the fact that numbering is a matter that must be addressed in a coordinated manner nationwide. No state's numbering plan can be viewed in isolation, since it is part of a nationwide U.S. numbering plan committed to federal control, which is in turn part of the NANP, which covers

---

[19] *See* NANC Report § 4.4.1 at 46-47, § 5.4.1 at 104, § 6.4.1 at 125-27 (costs of the three alternatives); *see id.* § 4.3 at 43-46 (four to six years or more needed for individual telephone number pooling), § 5.3-5.3.3 at 95-104 (10 to 19 months needed for thousands-block number pooling), § 6.3 (9 to 16 months prior to an order for unassigned number porting for a specific NPA, and then 8 to 14 months for initial implementation). Indeed, these techniques appear chiefly to facilitate the provision of "vanity" numbers by a carrier that would otherwise lack access to the numbers within another carrier's NXX code block. Number pooling (and resource optimization measures generally) clearly should *not* be designed to maximize the ability of a carrier to "cherry-pick" numbers deemed valuable.

numerous nations in the region and is an essential component a global numbering system.[20] How the NANP is implemented in a given state directly affects other states and nations that are part of the regional plan. Thus, state regulators, if given administrative responsibility over numbering in their state, could adversely affect not only the efficiency of numbering use in their state but throughout North America.

State regulators are responsible to local constituencies, and as a result are likely to weigh local resistance to numbering and dialing changes more heavily than factors such as the preservation of the lifespan of the NANP or the need for efficient usage of numbering resources nationwide. It is for this reason that Congress granted the Commission, and not the states, plenary authority over NANP administration in the U.S. The Commission cannot delegate authority to the states that would diminish central federal control over numbering policy without risk to the efficiency and lifetime of the entire NANP.

Clearly, parochial approaches to numbering issues cannot be allowed because of their detrimental effects on national management of numbering administration. It is essential that the Commission make all of the critical policy decisions concerning numbering, consistent with its Congressional mandate to exercise plenary authority over domestic NANPA administration. It should delegate authority to state regulators to take actions guided by, and consistent with, these national policies, while taking into account such local conditions as the Commission finds proper, given the need for a national approach.

---

[20] *See Pennsylvania Order*; *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996,* CC Docket 96-98, *Second Report and Order and Memorandum Opinion and Order,* 11 F.C.C.R. 11,392 at ¶ 293 (1996) (*Second Local Competition Order*); *Administration of the North American Numbering Plan,* CC Docket 92-237, *Third Report and Order,* 12 F.C.C.R. 23,040, 23,071-75 (1997) (*Third NANP Order*) (named a central NANP administrator and established a framework for carrier support of NANPA administration).

In the following table, AirTouch shows how the various responsibilities should be aligned, subject to overall FCC supervision. There are major areas where the states already have a great deal of authority. In some cases, however, states have not fully used that authority. In many cases, states

Item	State Responsibility	NANPA Responsibility	FCC Action to Facilitate
Rate center consolidation	Full authority to act	None	Require states to undertake 50% consolidation as first conservation measure, before 1000-block pooling
10-digit dialing	Full authority to require	None	FCC should mandate 10-digit dialing
1000-block pooling for LNP-capable carriers	Support FCC and industry activities	Administer 1000-block pooling	Establish 1000-block pooling as the standard; set guidelines for when it is ordered; adopt rules regarding administration; make clear that FCC determinations concerning pooling participation cannot be overridden by states
Data collection, code usage/ reclamation	Interim data collection efforts in coordination with NANPA	Assign codes; enforce code reclamation; audit carriers	Adopt rules concerning audits of carriers and of NANPA after conclusion of ongoing industry processes; adopt enforcement rules; empower NANPA to enforce INC guidelines; encourage states to engage in interim data collection and reclamation initiatives in conjunction with NANPA pending full implementation of auditing
Area code relief	Establish on timely basis — at least 6 months prior to exhaust	Facilitate area code relief planning (except in Ohio); initiate first area code relief implementation meeting	Confirm states have responsibility for undertaking area code relief on timely basis consistent with *Pennsylvania Order;* require relief 6 months before exhaust; enforce guidelines

are reluctant to do so because of local political considerations. States are reluctant to take actions that will inconvenience local telephone users (*e.g.*, overlays, splits, 10-digit dialing, rate center consolidation), even when those actions may be necessary to efficient number usage.

For example, in California, legislation has been introduced that would bar overlays or any other form of near-term area code relief,[21] and shortly thereafter the state commission indefinitely

---

[21] California Assembly Bill 818, introduced Feb. 24, 1999 (the "Knox Bill").

suspended the July 1999 introduction of the NPA 424 overlay,[22] even though the overlaid NPA, 310, is only six months from complete exhaust, and several carriers seeking to serve customers already lack codes. Situations such as this are why federal leadership and overall administrative oversight is essential. Regulators in a single state should not be permitted by their action *or inaction* to adversely affect number resource availability in their own state, much less other states, but that is just what is happening in the absence of strong federal oversight.

III. THE COMMISSION SHOULD IMPROVE CARRIER ACCOUNTABILITY FOR NUMBER USAGE THROUGH IMPROVED DEFINITIONS, DATA COLLECTION, VERIFICATION, AUDITING, AND ENFORCEMENT

A. Definitions: The Commission Should Adopt the Proposed Definitions with Minor Clarifications

AirTouch believes that most of the definitions proposed by the Commission are reasonable and workable definitions that will improve accountability for number usage. Accordingly, AirTouch supports adoption of those definitions, subject to the comments, clarifications, and modifications discussed in the following paragraphs.

1. Administrative Numbers (¶ 41)

AirTouch generally supports the INC definition, as paraphrased in the *NPRM*,[23] but has concerns for the unfettered assignment of employee/official numbers and test numbers. To avoid unnecessary consumption of numbering resources, not more than 0.25% (25 total) of the 10,000 numbers per any given NXX prefix should be assignable to these types of administrative numbers.

---

22 *See CPUC Overlay Suspension Order.*

23 AirTouch notes that the definition of "administrative number" set forth in the *NPRM* uses slightly different terminology from that contained in the CO Code Guidelines, even though the latter document is cited as the source of the definition. *Compare NPRM* at ¶ 41 *with* Alliance for Telecommunications Industry Solutions, Industry Numbering Committee, *Central Office Code (NXX) Assignment Guidelines,* INC 95-0407-008, at § 13.0 (April 26, 1999) ("CO Code Guidelines"). AirTouch assumes the *NPRM* was simply paraphrasing the definition, since there is no indication that the Commission objected to the terminology in the CO Code Guidelines.

2. Aging Numbers (¶ 42)

Currently, carriers use a variety of aging periods. For example, in the wireline telephone industry, in many areas residential numbers are aged for 90 days, while business numbers are aged for 12 months or the life of the current directory. Wireless carriers typically use a range of shorter aging periods, often much shorter. In light of today's demands on numbering resources, a 12 month period is too long. Rather, a much shorter period, standardized and consistent across industry segments, is appropriate.

AirTouch submits that a single fixed aging standard should not be adopted. In the interest of number conservation, however, the Commission should set a uniform *maximum* aging period that would cap the aging period for all numbers used by all carriers for reporting purposes. AirTouch believes that an appropriate universal maximum aging period for all carriers would be 90 days.

3. Dealer Numbering Pool (¶ 44)

The Commission has sought comment on how carriers currently classify dealer numbering pools and how such pools should be treated. AirTouch suggests that the Commission should also address, separately, reseller numbering pools. In the wireless industry, carriers often treat dealer and reseller numbering pools in a different manner.

Because some of AirTouch's business is conducted through resellers, numbers must be set aside so that resellers can activate phones at the point of sale. The reseller numbers, which represent less than 5% of the total, are considered "assigned but unavailable" and are thus deemed in use in calculating number utilization. On the other hand, the "dealer pool" numbers earmarked for AirTouch's dealers and agents are considered *available* for utilization purposes, so these numbers are already included in calculating the utilization rate.

AirTouch suggests that the Commission adopt definitions concerning dealer and reseller numbering pools, and corresponding limitations, that reflect the foregoing usage.

4. In Service (¶¶ 96-98)

In connection with the reclamation of NXX blocks, the *NPRM* seeks comment on how an NXX code should be defined as being "in service" for purposes of code reclamation. Under the CO Code Guidelines, the *NPRM* states, a code is considered to be "in service," and therefore activated, when the assignee has transmitted local routing information to the LERG, even if no numbers from the block have been assigned to end-user customers and activated,[24] and the Commission proposes to clarify this definition to require actual assignment and activation of numbers to end users.[25]

The *NPRM's* description of the way the CO Code Guidelines use the term "in service" is mistaken. INC defines that term as "An active code in which specific subscribers or services are utilizing assigned telephone numbers."[26] An "active code," on the other hand, is defined as "A code formally assigned by the CO Code Administrator(s) and implemented in the PSTN for specific routing or rating requirements."[27] Thus, while the Commission's concern would be correct with respect to "active codes," the definition of the term "in service" fully addresses the concerns by requiring actual assignment and utilization of numbers within such a code.[28]

---

24 *NPRM* at ¶ 96, *citing* CO Code Guidelines at §§ 13.0, 6.1.2.

25 *NPRM* at ¶ 98.

26 CO Code Guidelines at § 13.0.

27 *Id.*

28 AirTouch notes that there is a minor inconsistency elsewhere in the CO Code Guidelines concerning whether a given code is "in service" or "active." In particular, the "Part 4" form used to certify that a code is placed "in service," pursuant to § 6.3.3, is entitled "Confirmation of Code Activation." The form actually calls for the "in service" date, however. A process is underway to remedy this inconsistency.

To avoid any confusion, the Commission should follow the INC definitions of "active code" and "in service."

B. Data Collection: The Commission Should Approve the NANC Recommendation for Replacement of COCUS and Should Require Carriers to Submit Data to NANPA

On June 30, 1999, the North American Numbering Council ("NANC") presented a recommendation to the Commission for replacement of the current method for determining NXX utilization, the Central Office Code Utilization Survey ("COCUS").[29] The NANC recommendation was based on extensive consideration of four alternative reporting models with respect to the perceived deficiencies of COCUS. Ultimately, NANC recommended Commission adoption of the "Hybrid" model, which provides for a sliding scale of reporting frequencies and granularities, depending on the state of urgency concerning numbering resources in a given NPA:

> This Hybrid Model proposes that, where pooling has not been implemented, or is not being planned, and the NPA is not within the "exhaust window," service provider NPA level utilization and forecasting data would be required on at least an annual basis for all NPAs. For those NPAs expected to exhaust within five years, semi-annual data reporting would be required at standard intervals. In an NPA expected to exhaust within five years where pooling has not been implemented, or is not being planned, utilization will be reported at the NPA-NXX level. In an area where pooling has been or is planned to be implemented, utilization and forecasting data would be reported at the NPA-NXX-X level. Reporting would be semi-annual at standard intervals in a pooling environment. In all cases, this data would be combined with historical data and mathematical modeling to develop the forecasts for all NPAs. Utilization data would be reported as TNs "unavailable".[30]

---

[29] North American Numbering Council, *Recommendation Concerning the Replacement of the Central Office Code Utilization Survey (COCUS)* (June 30, 1999) ("NANC COCUS Recommendation"), *available from* <http://www.fcc.gov/ccb/nanc/>. AirTouch notes that while COCUS is currently described in industry guidelines, it was not "established through industry guidelines," as the *NPRM* states (¶ 72). In fact, COCUS was established unilaterally by AT&T prior to divestiture.

[30] NANC COCUS Recommendation, *Analysis and Recommendations* at 4.

AirTouch submits that the Hybrid Model will greatly increase the accuracy and timeliness of the data available to NANPA, particularly in those areas where such data is most urgently needed, without imposing undue data collection and reporting burdens on carriers in areas not suffering from a number shortage.

Data collection and reporting standards alone are not sufficient, however. It is *essential* that all carriers participate in the process in compliance with prevailing industry standards. NANC's recommendation is premised on the Commission "adopt[ing] rules that require NANP resource holders to provide timely and accurate information to the NANPA."[31] This assumption is critical to the validity of the forecasts that the Hybrid Model is designed to facilitate. A projection is only as good as its data, and without complete and valid data, no model can provide accurate and reliable estimates of utilization, much less projections of future utilization.

Accordingly, AirTouch recommends that the Commission require all carriers to provide to NANPA the information called for by the Hybrid Model in accordance with the time frames set forth therein, once that model has been implemented. As an interim measure pending the replacement of COCUS, AirTouch urges the Commission to require all carriers to provide NANPA with timely and accurate COCUS information, given that less than complete data have been available to date.

The Commission should authorize NANPA to deny codes to carriers failing to supply timely and accurate data. The Commission should not establish a data collection and reporting requirement that carriers can ignore at will. Given the importance of developing accurate data concerning number utilization, carriers should be given a powerful incentive to participate fully in the needed collection of data. The Commission should also make clear that it will use its own enforcement

---

[31] NANC COCUS Recommendation, *Analysis and Recommendations* at 7.

mechanisms and procedures, if necessary, to ensure that there is 100% compliance with the data collection program.

C. Verification: The Commission Should Require Requesters to Demonstrate Eligibility to NANPA

1. For An Initial Code in a Rate Center, Requesters Should Have to Demonstrate That They Have Any Requisite State Authority to Serve That Rate Center

The Commission has sought comment on what kind of showing a party requesting initial codes should be required to make before NANPA issues initial codes. AirTouch does not currently support the requirement of any quantitative "readiness" showing, as this may unduly impede new entry or geographic expansion of current providers. Nevertheless, AirTouch is concerned that in some cases carriers are requesting codes before they have become legally authorized to provide service in a particular area. Accordingly, AirTouch supports formally authorizing NANPA's current practice of requiring a carrier to demonstrate its certification[32] to provide service in any given rate center.

2. For Growth Codes, Requesters Should Have to Demonstrate That They Have a Legitimate Need for Numbers in Each Rate Center

The *NPRM* notes that the CO Code Guidelines require an applicant for growth codes to certify that its existing codes associated with a switch will exhaust within 12 months, based on a Months-to-Exhaust worksheet, and to submit the worksheet to NANPA.[33] The *NPRM* seeks comment on whether this is sufficient, or whether some further verification of need should be

---

[32] In the case of carriers not subject to state entry regulation, such as CMRS carriers, such "certification" would consist of the appropriate FCC authorization.

[33] *NPRM* at ¶ 56, *citing* CO Code Guidelines at § 4.2.1; *see NPRM* at ¶¶ 60-62.

required (such as evaluation of the worksheet by NANPA, satisfaction of a modified worksheet, or achievement of a specified fill rate).[34]

AirTouch submits that NANPA should be required to evaluate the worksheet to verify that the applicant satisfies the criteria set forth in the CO Code Guidelines, and to deny the application if the criteria are not met. The Months-to-Exhaust worksheet will provide NANPA with data concerning not only forward-looking 12-month need for codes, but also current utilization and 6-month historical growth (in a non-jeopardy situation).[35]

AirTouch submits that this allows NANPA to verify that a carrier's forward-looking projection of demand for numbers has a basis in historical demand. AirTouch opposes establishment of a fixed utilization threshold or fill rate as a prerequisite for obtaining growth codes, however, because this may pose a serious obstacle to carriers whose growth is seasonal. Wireless carriers, in particular, have seasonal demand patterns. A very high percentage of growth typically occurs during a short season in early Winter. Thus, a wireless carrier with a legitimate need for codes in December may have a relatively low utilization rate in a given rate center in mid-Summer, when the request for codes is submitted to NANPA. Requiring a carrier to have an "objective measurement" of current need for numbering resources before requesting codes would require such a carrier to wait until it

---

34 *NPRM* at ¶ 61-62.

35 The CO Code Guidelines, at § 4.2.1, provide:

> For additional codes for growth, each code holder will certify that existing codes for the switching entity/POI, per service provided by that switching entity or POI, will exhaust within 12 months and must have documented and supply as described in this Section, Section 2, and Appendix A (Audits) supporting data using the "CO Code Assignment Months to Exhaust Certification Worksheet - TN Level" which covers:
> 1. Telephone Numbers (TNs) Available for Assignment
> 2. Growth history for 6 months
> 3. Projected demand for the coming 12 months.

is in the middle of its seasonal growth spurt, thereby assuring that numbers will not become available in time.

3. Alternatively, The Commission Should Allow Carriers to Choose to Satisfy a Standard Utilization Rate And Opt Out of Number Pooling

Consistent with the "carrier choice" strategy discussed in Section V(E) of the *NPRM,* the Commission should allow a carrier to opt out of number pooling if it exceeds a specified utilization rate. AirTouch submits that fill level, instead of being a prerequisite to a carrier obtaining growth codes, should be a yardstick for exempting a carrier from thousands-block pooling.

Under this approach, a carrier otherwise subject to pooling would be exempt from such requirement if it can show that its utilization rate over a specified period of time has consistently exceeded some established threshold value. This would give carriers an incentive to fill codes quickly and use their numbering resources efficiently, while relieving them of the administrative burden and cost of pooling under circumstances where they would have little to contribute to the pool.

D. Auditing: The Commission Should Establish Procedures for Audits of Code Holders and of NANPA

AirTouch supports the Commission's proposal to establish procedures for audits. In this regard, there are a number of particular issues AirTouch addresses below.

First, AirTouch submits that there should be an initial comprehensive audit by NANPA of *all* carriers' "months to exhaust" worksheets in order to compile baseline representative data covering a variety of types of carriers nationwide. (Alternatively, the initial baseline audit could be of a random sample sufficiently large to be representative.) Because these worksheets have not, prior to July 1, 1999, been submitted to NANPA on a regular basis, the valuable data they contain has never been aggregated. These data would be, in aggregate form, the most useful figures for

determining the relative efficiency of NXX usage of different types of carriers. An audit would also have the benefit of encouraging carrier compliance with the months to exhaust process. An audit function would provide data on how well carriers are complying with the process and how accurately they are forecasting months to exhaust. A comprehensive audit would thus both provide data for evaluation and provide an incentive for carriers to develop and record this data accurately in the future.

Second, AirTouch supports "for cause" audits when NANPA has reason to believe a carrier's reported data or its application for numbering resources contains inaccurate or misleading data. AirTouch also supports the Commission's proposals to conduct regularly scheduled audits of all numbering resource holders on a triennial basis. Theoretically, it might be useful, as well, to conduct random audits in appropriate situations; however, it is unclear who should have authority to determine that random audits are necessary and appropriate.

AirTouch agrees with the Commission that because NANPA will itself be subject to audit in its role as the neutral third-party code administrator, it would not be the best party to conduct audits on a going-forward basis. On the other hand, neither state nor federal regulatory agencies have the resources to conduct audits of the breadth needed. Moreover, some state agencies may not have the legal ability to safeguard the confidential and proprietary data involved in such audits from public access and disclosure. Accordingly, AirTouch submits that responsibility for audits should, with the exception of the initial comprehensive baseline audit, be given to a neutral fourth party.

With respect to the audited information and procedures used for conducting the audit, AirTouch urges the Commission to allow the NANC to complete its efforts already underway and to allow the INC to develop the specific audit procedures associated with each numbering resource.

E. Enforcement: The Commission Should Authorize NANPA to Enforce the INC Guidelines by Denying Codes to Unqualified Requesters and Utilize Its Own Procedures to Ensure Compliance

The Commission should establish enforcement procedures to ensure compliance with its number conservation and optimization policies. In particular, carriers should be obliged to comply with any data collection, recordkeeping, or reporting requirements or optimization thresholds (*e.g.*, months-to-exhaust or utilization thresholds) that are applicable to them. Sanctions for misleading or failing to comply with critical number exhaust guidelines — whether promulgated by the Commission or industry standards groups — are effective and essential.

AirTouch urges the Commission to direct NANPA to serve as the first line of enforcement. In particular, NANPA should be responsible for denying codes to requesting parties who do not meet the established thresholds for eligibility. This would include not only any fill rate thresholds, MTE showings, or other eligibility requirements established in this proceeding or afterwards, but any INC guidelines concerning eligibility for codes. If NANPA determines that a given carrier's submissions do not qualify for codes, it should be authorized to deny the request. The procedures for doing this are already in place and will work, once the Commission confirms that NANPA has the authority to deny requests that do not qualify.

The Commission should also make clear that FCC enforcement mechanisms will be invoked, if needed, to ensure compliance with applicable standards, pursuant to the Commission's plenary authority to oversee administration of the NANP within the United States. If the Commission is to rely on compliance with industry standards to ensure the viability of the NANP, it must make clear that carriers cannot willfully violate those standards and cause inefficient number usage that results in serious detriment to the public interest.

IV. THE "PRICING OPTIONS" SET FORTH IN THE *NPRM*, WHICH ARE OF DUBIOUS LEGALITY, CONSTITUTE AN ATTEMPT TO SELL A FREE PUBLIC RESOURCE, AND WILL RESULT IN HOARDING, SHORTAGES, AND OTHER ABUSES

In Section VI of the NPRM, the Commission seeks comment on "pricing options" — *i.e.*, whether it should "require carriers to pay for the numbering resources that they request or receive."[36] AirTouch submits that whether or not the Commission has legal authority for this proposal, it represents a particularly poor allocation choice and should be rejected because of its predictable adverse effects on number resource availability.

The Commission notes that Section 251(e)(2) "provides that the costs of numbering administrative arrangements and number portability shall be borne by carriers," and asks whether this is a "sufficiently broad" delegation of authority to the Commission to allow it to sell number resources.[37] Alternatively, it asks whether its plenary jurisdiction over domestic numbering issues under Section 251(e)(1) gives it such authority.

The Commission has repeatedly held that the number resource is a public resource that belongs to the public at large, not property that can be bought or sold.[38] Because Congress has not expressly granted the Commission authority to auction or sell number resources, it is dubious whether the agency may do so.[39] The Commission is able to auction radio spectrum, only because

---

36 *NPRM* at ¶ 226.

37 *Id.* at 228.

38 *FCC Policy Statement on Interconnection of Cellular Systems,* 59 Rad. Reg. 2d (P&F) 1275, 1284 (1986); *Administration of the North American Numbering Plan,* CC Docket 92-237, *Report and Order,* 11 F.C.C.R. 2588, 2591 (1995) (*NANP Order*); *see also Third NANP Order* at ¶ 4.

39 Section 251(e) gives the Commission jurisdiction over numbering *administration,* but does not give it authority to raise revenue by selling the number resource itself. Given the complete silence of Congress with respect to *proprietary* control over the number resource, the Commission's right to charge for use of this public resource is questionable.

Congress gave the Commission express authority to use competitive bidding.[40] Prior to that, the Commission lacked express legal authority to charge market value for spectrum. Given the court's repeated holdings that the Independent Offices Appropriations Act severely limited the Commission's ability to charge for its services, absent separate explicit statutory authorization,[41] it is questionable whether the Commission has some inherent power to engage in the sale of number resources.

Moreover, whether or not the Commission has the legal authority to sell numbers, it clearly should not do so, because its "pricing options" scheme would be poor public policy. Given the limited availability of numbers in many locations, the swift and inevitable result would be speculation, warehousing, and hoarding. The CO Code Guidelines attempt to prevent this by providing an administrative scheme to govern a public resource.[42] If codes and numbers were subject to sale, barter, or lease, this administrative scheme would no longer work. Instead of codes being made available to carriers with a legitimate need to assign numbers to consumers, codes would become the subject of a bidding war. Moreover, codes could be used for anticompetitive purposes, if carriers could buy up available codes in order to frustrate competitors. This would, of course, have the greatest adverse effect on new entrants, particularly those seeking to provide competitive services to the public. For all these reasons, AirTouch urges the Commission not to give further

---

40 47 U.S.C. § 309(j).

41 *See NCTA v. United States,* 415 U.S. 336 (1974); *Capital Cities Communications, Inc. v. FCC,* 554 F.2d 1135 (D.C. Cir. 1976); *NAB v. FCC,* 554 F.2d 1118 (1976); *NCTA v. FCC,* 554 F.2d 1094 (D.C. Cir. 1976).

42 The CO Code Guidelines state that "The NANP resources are considered a public resource and are not owned by the assignees. Consequently, the resources cannot be sold, brokered, bartered, or leased by the assignee for a fee or other consideration." CO Code Guidelines § 2.1.

consideration to the "option" of putting number resources on the auction block or otherwise allowing them to be "sold, brokered, bartered, or leased."[43]

V. THE COMMISSION'S CURRENT POLICY BARRING SERVICE- AND TECHNOLOGY-SPECIFIC AREA CODES SHOULD BE RETAINED

AirTouch urges the Commission to maintain its policy, first set forth in 1996, of banning the use of service- and technology-specific area code overlays. While this policy is worth reexamining, given the dynamic nature of the field and the shortage of numbers, the original rationale for the policy remains valid to this day:

> [W]e conclude that any overlay that would segregate only particular types of telecommunications services or particular types of telecommunications technologies in discrete area codes would be unreasonably discriminatory and would unduly inhibit competition. We therefore clarify the *Ameritech Order* by explicitly prohibiting all service-specific or technology-specific area code overlays because every service-specific or technology-specific overlay plan would exclude certain carriers or services from the existing area code and segregate them in a new area code. Among other things, the implementation of a service or technology specific overlay requires that only existing customers of, or customers changing to, that service or technology change their numbers. Exclusion and segregation were specific elements of Ameritech's proposed plan, each of which the Commission held violated the Communications Act of 1934.[44]

The Commission further held:

> Service-specific and technology-specific overlays do not further the federal policy objectives of the NANP. They hinder entry into the telecommunications marketplace by failing to make numbering resources available on an efficient, timely basis to telecommunications services providers. As we describe in detail above, service-specific overlays would provide particular industry segments and groups of consumers an unfair advantage. We have also stated that administration of the NANP should be technology neutral; service-specific overlays that deny particular carriers access to number-

---

43 CO Code Guidelines § 2.1.

44 *Second Local Competition Order* at ¶ 285.

> ing resources because of the technology they use to provide their services are not technology neutral. [45]

The fact that there may have been significant growth in particular services or technologies does not warrant deviating from this policy. Again, in 1996 the Commission specifically addressed similar arguments:

> We find the Texas Commission's arguments in support of its proposed wireless-only overlay unpersuasive. It argues, for example, that the wireless overlay will extend the life span for the area code relief plan. What extends the life span of a relief plan, however, is not so much the wireless overlay as the introduction of a new NPA with its 792 additional NXXs. This being the case, the Texas Commission provides no compelling reason for isolating a particular technology in the new NPA.

AirTouch respectfully submits that there is no basis for reaching a different conclusion today.

CONCLUSION

The Commission should ensure that the administration of numbering remains firmly under federal control and guidance, consistent with its mandate from Congress, while authorizing state regulators to participate in ways that are consistent with federally-established goals and guided by federally-established policies, while taking appropriate local conditions into account. The Commission should *not* delegate substantial administrative oversight, policymaking, or implementation authority to states, because that would diminish the national uniformity needed to prolong the lifetime of the NANP.

The Commission should encourage states to undertake vigorous efforts to consolidate rate centers and require consolidation of 50% or more of a state's rate centers before the state is permitted to utilize 1000-block pooling. The Commission should require ten-digit dialing nationwide. Both

---

[45] *Second Local Competition Order* at ¶ 305.

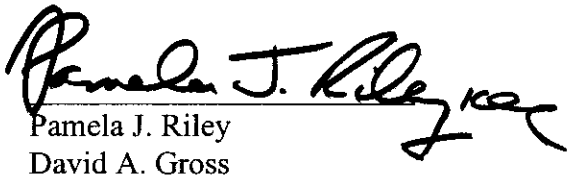
of these measures will substantially increase numbering efficiency and prolong the life of the NANP, without the cost and complexity of number pooling.

The Commission should take other important steps, as well. It should endorse a vigorous data collection and auditing program to ensure that carriers are entitled to the codes they have. It should also make the standards for code assignments verifiable and enforceable.

Most importantly, the Commission should take these and the other steps set forth herein *soon.*

Respectfully submitted,

AIRTOUCH COMMUNICATIONS, INC.

By: 

Pamela J. Riley
David A. Gross
AirTouch Communications, Inc.
1818 N Street, N.W., Suite 800
Washington, D.C. 20036
(202) 293-3800

July 30, 1999

CERTIFICATE OF SERVICE

I, Loretta B. Rias, hereby certify that on this 30th day of July 1999, copies of the foregoing Comments of AirTouch Communications, Inc. were served on the following by hand to:

Yog Varma
Common Carrier Bureau
Federal Communications Commission
445 Twelfth Street, S.W., 5th Floor
Washington, D.C. 20554

Blaise Scinto
Common Carrier Bureau
Federal Communications Commission
445 Twelfth Street, S.W., 5th Floor
Washington, D.C. 20554

Anna M. Gomez
Common Carrier Bureau
Federal Communications Commission
445 Twelfth Street, S.W., 5th Floor
Washington, D.C. 20554

David Furth
Wireless Telecommunications Bureau
Federal Communications Commission
445 Twelfth Street, S.W., 5th Floor
Washington, D.C. 20554

Thomas J. Sugrue, Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 Twelfth Street, SW, Room 3-C252
Washington, DC 20554

Jim Schlichting, Deputy Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 Twelfth Street, SW, Room 3-C254
Washington, DC 20554

Lawrence Strickling, Chief
Common Carrier Bureau
Federal Communications Commission
445 Twelfth Street, S.W., Room 5C-450
Washington, D.C. 20554

International Transcription Services
1231 20th Street, N.W.
Washington, D.C. 20036

Loretta B. Rias